

To: Lensink, Andy[Lensink.Andy@epa.gov]
Cc: 'Kelley, Jill (Kelly Services)'[Jill.Kelley@bp.com]
From: Duffy, William
Sent: Thur 7/17/2014 10:10:33 PM
Subject: Petersen: 124 East Commercial Street - Anaconda, MT

Andy – Luke's email to Mr. Peterson sent this morning informing him that Charlie would be in touch to discuss next steps with the County.

Bill

Bill Duffy Partner

P: 303.892.7372 • F: 303.893.1379 • M: 720.234.5971 • [vcard](#)

Davis Graham & Stubbs LLP

1550 17th Street, Suite 500 • Denver, CO 80202

From: Pokorny, Luke N
Sent: Thursday, July 17, 2014 9:42 AM
To: 'Mark Peterson'
Cc: coleman.charles@epa.gov; jchavez@mt.gov; kbasirico@wet-llc.com; cnyman@qwestoffice.net
Subject: RE: 124 East Commercial Street - Anaconda, MT

Mr. Peterson,

I understand your frustration. However, I can assure you that from the time Atlantic Richfield was first made aware of your mother's basement, I and others at Atlantic Richfield have been in constant contact with both EPA and Anaconda Deer Lodge. As you have recognized EPA is the lead agency for all CERCLA related matters, in this particular instance EPA and the County are working to determine the nature and cause of the elevated concentration in your mother's basement in order to determine the appropriate response. EPA has asked that all communication on this matter go through them, but in effort to respond to your e-mail I directed someone in my office to contact Charlie Coleman. Based on information I have received today, it is my understanding that Charlie Coleman is in the process of setting up a meeting with the County related to your mother's basement after which either EPA or the County will be in contact with you to discuss next steps. Should you have any further questions I encourage you to speak with Charlie Coleman (office: 406-457-5038).

Regards,

Luke Pokorny

Associate Project Manager
Atlantic Richfield Company
Office: (406) 723-1832
Cell: (406) 498-4565
Luke.Pokorny@bp.com

From: Mark Peterson [mailto:mark_r_peterson@outlook.com]
Sent: Wednesday, July 16, 2014 6:38 AM
To: Pokorny, Luke N
Cc: coleman.charles@epa.gov; jchavez@mt.gov; kbasirico@wet-llc.com; cnyman@qwestoffice.net
Subject: RE: 124 East Commercial Street - Anaconda, MT

Hello Luke.

I was wondering what progress you have made on positively identifying the material falling from the east side basement wall at 124 East Commercial in Anaconda. Have you contacted any of the experts recommended? Have you formulated a plan to actually determine the composition and source of this hazard?

This material came from Marcus Daly's (Anaconda Company) smelter. We were informed of this fact by the previous owners of the building (Ernie Phillips operated a tin shop in the building for quite some time before selling it to my mother). He in turn was told by one of the people who saw the work done on the building and knew that the material used on the wall was a calcine waste material that Daly brought in as a cheap cement substitute generated at the smelter to hold the stones in place.

We have brought this information and material to ARCO's attention before. This woman ignored the problem and quit communicating with my mother. She has left ARCO's employment, but the problem remains because ARCO chooses to ignore any material that didn't fall into a very limited set of profiles for arsenic waste that could exist off the smelter site in residences and yards in the area.

I need to let you know that we will tolerate no more delay and procrastination by ARCO. If ARCO will not do their job and due diligence for compliance with the enforcement of the terms of remediation required under CERCLA with the purchase of all Anaconda Company properties, I will start charging my fee of \$125/hour for all the time I must invest to do your work. In addition, I will add all the costs for analyzing and identifying the material to the charges to ARCO to complete remediation of this problem.

We have brought a hazard to ARCO's attention which we know is directly from their obligated responsibility. I have provided a list of competent experts that can verify this claim. I believe ARCO is choosing to deliberately disregard knowledgeable and expert information on the issue, and dragging their feet in order to delay and avoid compliance as required by the Superfund remediation decrees. No credible experts have examined this problem to determine the true genesis of the material in question, only administrative personnel acting on ARCO's behalf.

Please let me know if you need more assistance with actual metallurgical determinations to verify or discount the claim being brought against you. I am prepared to begin working on this problem for ARCO and begin charging appropriate fees to do their work.

Sincerely yours,

Mark Peterson

M.S. Metallurgical Engineering

M.S. Environmental Engineering

851 Jordan Oaks Court

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(801) 999-4570

Mark_R_Peterson@outlook.com

From: northguard13@msn.com

To: luke.pokorny@bp.com

CC: coleman.charles@epa.gov; jchavez@mt.gov; kbasirico@wet-llc.com;
cnyman@qwestoffice.net

Subject: RE: 124 East Commercial Street - Anaconda, MT

Date: Wed, 2 Jul 2014 19:19:13 -0600

Thank you Luke.

Thank you for your reply. I finally also got your voice mail. My phone line and e-mail were out all day until just 10 minutes ago.

We need to review, because I disagree completely with the CPMP evaluation of the material. I do not believe they considered mining industry smelting products in their evaluation of the material. There is no way the material in question could NOT have been produced from anything but a mining pyrometallurgical concentrator operation. The material had to have a rich source of copper and arsenic because calcium oxide does not exist naturally and is never blended with the relative amounts of contaminants in this calcined material. This material was produced by roasting (smelting) limestone and a mining ore, concentrate or waste stream to eliminate gaseous carbon and sulfur compounds to concentrate the residue - which was also rich in dry lime (CaO) at this point. Dry lime is also the base of cement. The only copper smelter in the region was Marcus Daly's, which was less than a half mile away. This material was taken from the property to be used as a cheap cement/mortar in one of his personal buildings.

If you would like to consult some experts on the material and process, please contact the Montana Tech Metallurgy Department, where Courtney Young, Larry Twidwell, H-cube Huang or Jerome Downey would be able to provide a considerably more reliable evaluation and determination of the probable specific source of this material. If you want a more distant expert opinion you can also contact Corby Anderson at the

Colorado School of Mines.

Best regards,
Mark Peterson
northguard13@msn.com

From: Luke.Pokorny@bp.com
To: northguard13@msn.com
CC: coleman.charles@epa.gov; Jchavez@mt.gov; kbasirico@wet-llc.com;
cnyman@qwestoffice.net
Subject: 124 East Commercial Street - Anaconda, MT
Date: Wed, 2 Jul 2014 19:10:20 +0000

Mr. Peterson:

I am responding to your June 18 email concerning your mother's property at 124 East Commercial Street in Anaconda, which was sent to Atlantic Richfield, EPA, and the State. I understand EPA (Charlie Coleman) recently responded to your inquiry. I also understand that Anaconda-Deer Lodge County (Katherine Basirico), which helps administer the Superfund Community Protective Measures Program (CPMP) in Anaconda, has been in regular contact with your mother and sent her a detailed letter on June 16. As indicated in Mr. Coleman's email, the CPMP is the appropriate way to handle concerns over indoor contamination, and it appears your mother's concerns are being addressed.

In any event, I will give you a call to answer any remaining questions you have. If you have other questions or concerns about Superfund issues in Anaconda now or in the future, please feel free to call me at 406-723-1832.

Luke

Luke Pokorny

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Luke.Pokorny@bp.com